



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,263	10/23/2003	Andrew J. Toti	50604	9072

7590 12/14/2007  
PHILIP A. DALTON  
236 WEST PORTAL AVE.  
No. 15  
SAN FRANCISCO, CA 94127-1423

EXAMINER
----------

BOES, TERENCE

ART UNIT	PAPER NUMBER
----------	--------------

3682

MAIL DATE	DELIVERY MODE
-----------	---------------

12/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/693,263

Applicant(s)

TOTI, ANDREW J.

Examiner

Terence Boes

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Request for Continued Examination**

1. The request filed on 09/19/2007 for a Continued Examination (RCE) is accepted and a continued prosecution application has been established. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Renee US 4,759,398.

Renee discloses:

- A rod having a spiral thread configuration (15a)
- A spiral thread follower mounted on the rod (50)
- A handle (57) mounted over and rotatably (handle is capable of rotating relative to spiral thread follower) captured to the spiral thread follower
- The handle and the spiral thread follower having mating surfaces (see inner peripheral surface of 57 in mating disposition with outer peripheral surface of 50)
- The spiral thread follower further comprising a section (collar) which is exposed relative to the handle (54)

Regarding claim 2,

- A rotatable load (see “Venetian blind” in abstract)
- A rod having a spiral thread configuration (15a)
- Means connecting the rod to the load (17)
- A spiral thread follower mounted on the rod (50)
- A handle (57) mounted over and rotatably (handle is capable of rotating relative to spiral thread follower) captured to the spiral thread follower
- The handle and the spiral thread follower having mating surfaces (see inner peripheral surface of 57 in mating disposition with outer peripheral surface of 50)
- The handle being physically close to and exposing the collar (see figure 10)

Regarding claim 3,

- A rotatable shaft (12)
- A rod having a spiral thread configuration (15a)
- Means connecting rod to shaft (16)
- A handle device (see figure 10) comprising:
- A stepped cylinder (50) comprising a collar (54) and a tube (see upper instance of 50 in figure 10) having a bottom end (see lower instance of 50 in figure 10)

- The outer diameter of collar being of large dimension relative to the outer diameter of the tube (see figure 10); and the stepped cylinder having a longitudinal axis and having an internally axially-extending bore mounting the stepped cylinder along the rod (see figure 10)
- A handle comprising a member (57) having upper and lower ends, a longitudinal axis and an axial bore therein extending to the upper and lower ends thereof,
- The member mounting the tube therein (see figure 10) with the relatively large diameter collar protruding from and rotatably seated along the upper end of the member (see figure 10) and the tube (see upper instance of 50 in figure 10) and the handle member (57) having mating surfaces (see inner peripheral surface of 57 in mating disposition with outer peripheral surface of 50)
- The member and the collar comprising surfaces (55, 53)

Regarding claim 6,

- The bottom end of the tube protruding from the lower end of the member (see lower instance of 50 in figure 10)
- A retainer attached to the bottom end of the tube (51)

***Response to Arguments***

3. Applicant's arguments filed 09/19/2007 have been fully considered but they are not persuasive.

Applicant argues "(1) Renee does not mention rotation of the body 50 and sleeve 57 relative to one another; (2) the operation of Renee Figs. 9-11 requires that the body 50 and sleeve 57 do not rotate relative to one another, and (3) the embodiment of Renee, Figs. 9-11, is configured so that rotation of the body 50 and sleeve 57 is prevented. Each of Applicant's independent claims 1, 2 and 3 now specifies applicant's rotatable follower/collar and handle combinations and mating surface configurations which permit free rotation."

In response, the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. See MPEP 2114).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/693,263  
Art Unit: 3682

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB  
TB  
12/11/07



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER